

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.4939 of 2016

ORDER :

This Revision is filed challenging the order dt.21.07.2016 in I.A.No.341 of 2012 in O.S.No.372 of 2009 on the file of Junior Civil Judge, Jangareddigudem.

2. The petitioner herein is plaintiff in the suit.
3. She filed the suit for specific performance of an agreement of sale against the respondents.
4. Written statement was filed in July, 2006. Thereafter, the suit was transferred from Additional Junior Civil Judge, Kovvur to the Court of Junior Civil Judge, Jangareddigudem in the year 2009.
5. Later, issues were framed and PW.1 filed his affidavit in lieu of chief-examination.
6. At that stage, I.A.No.341 of 2012 was filed by petitioner seeking permission to file a rejoinder.
7. In the said application, he stated that when the matter was coming up for cross-examination of PW.1, while going through the suit record, the petitioner noticed that 1st defendant had raised certain contentions and counter-allegations and therefore a rejoinder was warranted.

8. Counter-affidavit was filed by the respondents opposing the said application stating that it is belated since the written statement was filed in the year 2006, and the defence set up by the respondents was known to the petitioner since then, and nothing prevented him to file a rejoinder at the earliest point of time.

9. By order dt.21.07.2016, the Court below dismissed the said application. It observed that the contents of the rejoinder did not state anything new, and at the stage when cross-examination of PW.1 is to be done, it need not be entertained.

10. Though the counsel for petitioner sought to contend that the order passed by the Court below is incorrect and that it is necessary for petitioner to file a rejoinder to the written statement filed by respondents, copy of the rejoinder sought to be filed by petitioner to the written statement of the respondents contains only denials to what was stated in the written statement and does not state any new facts. Also, when in the year 2006 written statement was filed, the petitioner should have filed rejoinder at the earliest opportunity and not six years after the suit was filed, that too when the matter was coming up for cross-examination of PW.1.

11. I therefore do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

12. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in this Revision, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-02-2017

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